

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Lakshmi Arunachalam,
 Plaintiff(s),
 vs.
 CSAA Insurance Group,
 Defendant(s).

2:20-cv-01558-RFB-MDC

Report and Recommendation

Pending before the Court is pro se plaintiff Lakshmi Arunachalam's failure to file an *Application to Proceed In Forma Pauperis* ("IFP") or pay the full filing fee. This Court recommends dismissal.

On August 21, 2020, plaintiff filed an IFP application (ECF No. 1). On October 16, 2020, the Court denied plaintiff's application because it noted there were some discrepancies in plaintiff's IFP application. ECF No. 6. Namely, the Court noted factual conflicts between plaintiff's "multiple licensing agreements for her patents" and her lack of income. *Id.* at 1-2. The Court ordered plaintiff to pay the filing fee by October 30, 2020, and warned her that failure to timely comply may result in dismissal. *Id.* at 2. On October 27, 2020, plaintiff filed a *Motion for Reconsideration* (ECF No. 7) which the Court denied on November 6, 2020 (ECF No. 8). The Court ordered plaintiff to pay the filing fee by November 20, 2020. Plaintiff did not comply and instead, plaintiff appealed to the Ninth Circuit (ECF No. 9) which dismissed her appeal (ECF No. 13). On May 21, 2021, the Court entered a Report and Recommendation to the District Judge, recommending that the case be administratively closed. ECF No. 17. On June 3, 2024, and June 7, 2024, plaintiff objected to Report and Recommendation. ECF Nos. 18 and 19. On April 22, 2024, the District Judge accepted and adopted the Report and Recommendation in part. ECF No. 23. The District Judge adopted the findings and reasonings of the Report and Recommendation but declined to administratively close the case. *Id.* at 3. The District Judge ordered plaintiff to file a corrected IFP application or pay the full filing fee by May 22, 2024. *Id.* The District

Judge warned plaintiff that failure to abide by the Order will result in dismissal with prejudice. Plaintiff has neither filed a corrected IFP application nor paid the filing fee, thus she has failed to timely comply with the Order.

ACCORDINGLY,

IT IS RECOMMENDED that this case be dismissed.

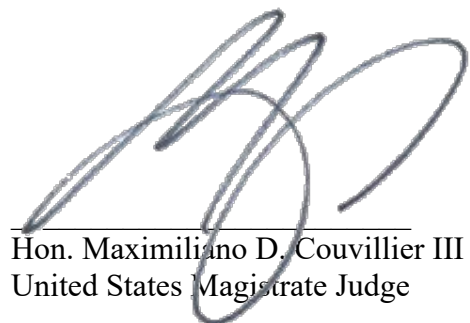
NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may result in dismissal of the action.

DATED this 28th day of May 2024.

IT IS SO RECOMMENDED.



Hon. Maximiliano D. Couvillier III
United States Magistrate Judge